

### **REMARKS**

In view of the above amendment, Applicant believes the pending application is in condition for allowance. Claims 1-19 are now present in this application. Claim 1 is independent.

By this amendment, the specification has been amended; claim 20 has been canceled, without prejudice or disclaimer; and claims 1, 5, 7, 11, 12, 14, 15, and 17-19 have been amended. Reconsideration of this application, as amended, is respectfully requested.

### **Information Disclosure Citation**

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed February 23, 2004, and for providing Applicant with an initialed copy of the PTO-1449 or PTO-SB08 form filed therewith. The Examiner asserted that US 2002/0003186 improperly listed Hinds as the inventor. Applicant notes that Hinds is the proper inventor and Applicant's specification has been corrected accordingly.

### **Objection to the Drawings**

The Examiner has objected to the drawings because several terms used in the claims are inconsistent with terms used in the specification and are not indicated on any drawings.

In order to overcome this objection, Applicant has amended the specification to associate the terms objected to by the Examiner, with the corresponding term in the specification (with the exception for those discussed below) or canceled the terms objected to by the Examiner.

Regarding the term "collars", collars 19 are shown in Figs. 12 and 15 and discussed in the paragraph beginning on page 18, line 4.

Regarding the term "lever arm", lever arm 8a is shown in at least Figs. 1 and 15 and discussed for the first time in the paragraph beginning on page 15, line 20.

Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

### **Specification Objection**

The Examiner has objected to the disclosure because several references listed in the specification have not been cited in the IDS filed on February 23, 2004. A separate IDS listing these references will be filed under separate cover.

Reconsideration and withdrawal of this objection are respectfully requested once the IDS is filed.

### **Claim Objections**

The Examiner has objected to claims 5 and 17 because of several informalities. In order to overcome this objection, Applicant has amended claims 5 and 17 in order to correct the deficiencies pointed out by the Examiner. Reconsideration and withdrawal of this objection are respectfully requested.

### **Rejection Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

Claims 7, 12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language lacks antecedent basis.

In order to overcome this rejection, Applicant has amended claims 7, 12, 14, 17, and 18 to correct each of the deficiencies specifically pointed out by the Examiner. Claim 15 has not been amended because proper antecedent support for "lever arm" can be found in claim 1. Applicant respectfully submits that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

### **Rejections under 35 U.S.C. §§ 102 and 103**

Claims 1, 3, 5, 6, 15, 16, 18, 19, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,095,706 to Schwien et al. ("Schwien"); claims 1, 3, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,305,894 to Dearborn; claim

4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of U.S. Patent 4,701,098 to Bills et al.; claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of U.S. Patent 4,213,729 to Cowles et al.; claims 9, 10, 12, 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of U.S. Patent 4,108,313 to Bogar, Jr. ("Bogar"); claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of U.S. Patent 5,203,658 to Henderson; and claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwien in view of Bogar and Henderson. These rejection are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 1 has been amended to recite a combination of elements in a loading apparatus including "a main frame supported by a plurality of wheels, the main frame including a pair of spaced-apart support arms extending in a longitudinal direction of the loading apparatus", "a lifting frame pivotally attached to said main frame, said lifting frame including a lever arm and a pair of spaced-apart lifting arms operably connected thereto, the pair of spaced-apart lifting arms extending in the longitudinal direction of the loading apparatus, the pair of spaced-apart arms of the lifting frame in conjunction with the pair of spaced-apart support arms of the main frame defining a spool receiving volume in the rear of the loading apparatus", and "a support rack attached to said lifting arms, said support rack comprising a pair of spaced-apart rack members, said rack members being configured to support a spool, each rack member extending mainly vertically from one of the lifting arms."

Applicant respectfully submits that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Schwien and Dearborn.

Schwien discloses a bale handling apparatus 12 that includes an A-Frame assembly 22 and a main support assembly 40. *See* Figs. 1 and 2. First and second arm assemblies 40, 42 are connected to the main support assembly 40 and each are pivotable about actuator frame assembly

68. Schwien fails to show a main frame having a pair of spaced-apart support members extending in a longitudinal direction of the loading apparatus, a lift frame having a lever arm and a pair of spaced-apart lifting arms operably connected to the lever arm, and a support rack attached to the lifting arms where the support rack includes a pair of spaced-apart rack members, each rack member extending mainly vertically from one of the lifting arms, so that a spool is supported in a spool receiving volume in the rear of the loading apparatus. As such, Schwien fails to show or describe all of the claimed features recited in independent claim 1.

Dearborn discloses a horizontal u-shaped frame 10 formed from two spaced parallel rearwardly extending arms 12 and a horizontal cross beam 14. A frame 26 including two spaced parallel upright posts 28 is pivotally connected to beam 14. Horizontal bale penetrating bars 34 are secured to mid-points of posts 28.

Because the parallel upright posts cannot read on the claimed spaced-apart lifting arms and the horizontal bale penetrating bars 34 do not include spaced-apart rack members extending vertically therefrom, Dearborn fails to show or describe all of the claimed features recited in independent claim 1.

None of the other references cited by the Examiner were utilized to teach or suggest the identified deficiencies above. Therefore, the combination of the utilized reference with either Schwien or Dearborn would fail to make obvious the invention set forth in independent claim 1.

Accordingly, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

With regard to dependent claims 2-19, Applicant submits that these claims depend, either directly or indirectly, from independent claim 1, which is allowable for the reasons set forth above, and therefore claims 2-19 are allowable based on their dependence from claim 1, as well as for their additionally recited subject matter. Reconsideration and allowance thereof are respectfully requested.

With specific reference to Bogar, Applicant respectfully submits that one of ordinary skill in the art would not look to Bogar to modify Schwien. First, a gun-rack is non-analogous art when compared to bale handling apparatus. Second, the problem solved by Bogar allows the spacing of brackets 60 to be adjustable with respect to a vehicle window, which has nothing to

do with the present invention. For these reasons, one of ordinary skill in the art would not look to a gun-rack to modify the bale handling apparatus of Schwien.

#### **Additional Cited References**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

#### **Office Action**

The Office Action contains numerous characterizations of the invention, the claims, and the related art, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

#### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

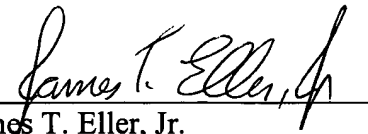
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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